

REMARKS/ARGUMENTS

Claims 1-20 remain pending in the application. In the Office Action, claims 1 and 3-7 were rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 6,006,105 to Rostoker, et al. (Rostoker). Claims 2, 11, 14, 16 and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker and in view of U.S. Patent No. 6,934,558 to Sainton, et al. (Sainton). Additionally, claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker in view of U.S. Patent Application Publication No. 2003/0182125 to Phillips, et al. (Phillips), and claims 8 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker in view of U.S. Patent Application Publication No. 2003/0126330 to Balasuriya (Balasuriya). Also, claims 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker in view of Sainton and further in view of Balasuriya. Finally, claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker in view of Sainton and further in view of U.S. Patent No. 6,138,010 to Rabe, et al. (Rabe), and claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker in view of Sainton and further in view of Phillips.

A brief summary of the Rostoker reference may be helpful here. Rostoker describes a wireless communication device that is self-adaptable to at least two differing frequency bandwidth standards as may be adopted in the locations to which the equipment is transported (see col. 4, lines 61-65). In particular, the wireless device includes an adaptation circuit that includes a first adaptation branch and a second adaptation branch, both of which are capable of processing communications signals (see col. 5, lines 36-46). A microcontroller maintains activation of one of these

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branches depending on which one produces data in a useful form (see col. 5, lines 46-55). As such, Rostoker merely provides different signal processing paths to enable the wireless device to operate in different communications systems.

Independent claims 1 and 11 have been amended to clarify that the information associated with a first communication system – such as bandwidth and/or cost - is determined and that a modality manager selects one or more modalities while inhibiting the operation of the remaining modalities based on the information associated with the first communication system. Support for the amendments can be found in FIGs. 4 and 5 and on page 4, line 14 to page 5, line 16. No new matter has been added in view of these amendments.

The present invention calls for selection of one or more modalities based on a measurement of a first communication system. The modalities that are not selected may be inhibited from operation, which improves the flow of information while trying to minimize inconvenience to a user of the wireless device. In contrast, Rostoker is concerned merely with acquiring the appropriate communications system for a wireless device that operates in separate networks. Rostoker simply does not mention or suggest anything about inhibiting modalities within the communication system in which the wireless device is currently operating.

In view of the above, Applicants submit that independent claims 1 and 11 are patentable over the prior art. Applicants also believe that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and

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withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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